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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,746	11/30/1999	CARLO VERTEMARA	99-S-096(167	9456

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EXAMINER

HABERMEHL, JAMES LEE

ART UNIT PAPER NUMBER

2651

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/451,746

Applicant(s)

VERTEMARA ET AL.

Examiner

James L Habermehl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. This Office action is in response to papers filed 30 November 1999, which papers have been placed of record in the file.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-11 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Rote et al. Rote et al. Figures 1 and 3-4 and their corresponding description meet all the limitations of the claims. At least elements 114, 88, 90, and 70 correspond to the claimed drive circuit, elements 77 and 86 correspond to the claimed sensor circuit which senses a BEMF when substantially zero current is

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flowing through the coil, col. 6, lines 30-44 show the arm is maintained at the predetermined speed for a predetermined time period, the period being the amount of time that switching control circuit 80 can keep switch 124 in engagement with terminal 122 until power has substantially completely failed, the drive circuit drives the coil in response to the sum of the control and speed signals at element 88, at least elements 178, 180, 181, 182, and 183 correspond to the claimed speed-sense circuit with resistor 182 connected to the first coil terminal, element 176 corresponds to the claimed switch coupled between the feedback input terminal and the speed sense circuit output terminal, resistor 181 connected to the second coil terminal corresponds to the claimed speed-sense circuit second input terminal coupled to the second coil terminal, and predetermined time 142 corresponds to the claimed predetermined time of claim 28.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rote et al. in view of Cameron. Rote et al. meets all the additional limitations of

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these claims for the reasons given above including parking the head, except for showing that the disk drive of Rote et al. uses a ramped platform or unparks the head at the constant speed.

Cameron Figures 1-4b and 6-7 and col. 1, lines 49-61 show using a ramped platform for the purpose of avoiding damage to the disk when parking the head. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rote et al. in order to enable use of the teaching of Cameron of using a ramped platform, the motivation being to avoid damage to the disk when parking the head.

Regarding the further limitations of claims 15 and 21, Cameron col. 1 line 62 through col. 2, line 20 show unparking the head at the constant speed for the purpose of avoiding head wobbling and damage to the disk when unparking the head. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rote et al. in order to enable use of the teaching of Cameron of using a ramped platform, the motivation being to avoid damage to the disk when parking the head.

Regarding the further limitations of claim 16, Rote et al. col. 6, lines 19-22 teach a constant rate "substantially less than its highest possible velocity," and Cameron teaches to load and unload the head at "low velocities" including one embodiment that loads as low as one inch per second. The claimed rate of five

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inches per second is anticipated by the range of velocities disclosed by the combination.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Male Figures 1-2, Brito et al. Figures 1-6, Carobolante et al. Figures 3-5, and Yoneda et al. Figures 1, 11, and 16 are similar to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James L Habermehl whose telephone number is (703)305-6975. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703)308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-9051 for regular communications and (703)746-5883 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0286.



Habermehl/jlh
August 22, 2002



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600